

EMERY CELLI BRINCKERHOFF & ABADY LLP

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
EARL S. WARD
ILANN M. MAAZEL
HAL R. LIEBERMAN
DANIEL J. KORNSTEIN
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KATHERINE ROSENFELD
DEBRA L. GREENBERGER
ZOE SALZMAN
SAM SHAPIRO

ATTORNEYS AT LAW
600 FIFTH AVENUE AT ROCKEFELLER CENTER
10TH FLOOR
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000
FAX: (212) 763-5001
www.ecbalaw.com

DIANE L. HOUK
ALISON FRICK
DAVID LEBOWITZ
DOUGLAS E. LIEB
ALANNA KAUFMAN
EMMA L. FREEMAN
DAVID BERMAN
HARVEY PRAGER
SCOUT KATOVICH
NICK BOURLAND
ANDREW K. JONDAHL

March 19, 2020

By ECF

Hon. Paul S. Diamond
United States District Court
Eastern District of Pennsylvania

Re: Stein v. Boockvar, No. 2:16-CV-6827

Your Honor:

The Court should strike the proposed findings of fact (Dkt. #181) submitted by *amicus curiae* Election Systems & Software (“ES&S”). ES&S has appeared in these proceedings as *amicus* only and has not moved to intervene. The Court directed “the parties” to submit proposed findings of fact and conclusions of law. Dkt. #171. “An *amicus* is, of course, not a party to the litigation” *Waste Mgmt. of Pa., Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995).

Respectfully Submitted,

/s/

Ilann M. Maazel*

* *Admitted pro hac vice*

c. All counsel of record (by ECF)